

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claims 1-7 and 10-15; claims 8, 9, and 16 have been canceled. Accordingly, claims 1-7 and 10-15 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 112**

On Page 2 of the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, the Applicant has amended claims 1 and 5 to more clearly and distinctly claim the subject matter which the applicant regards as the invention. Additionally, claims 13 and 15 have been amended to remove the phrase “such as” from each claim. Therefore, the Applicant respectfully requests the allowance of claims 1-7.

### **3.) Claim Rejections – 35 U.S.C. § 101**

On Page 3 of the Office Action, the Examiner rejected claim 16 under 35 U.S.C. § 101, first paragraph, as the claimed invention is directed to non-statutory subject matter because the claim reads “a computer program product, comprising program code portions”. In response, the Applicant has canceled claim 16.

### **4.) Claim Rejections – 35 U.S.C. § 102(e)**

On Page 4 of the Office Action, the Examiner rejected claims 8 and 10 under 35 U.S.C. § 102(e) as being anticipated by Bontempi, et al. (US 7,058,042). The Applicant has amended the claims to better distinguish the claimed invention from Bontempi. The Examiner's consideration of the amended claims is respectfully requested. Furthermore, claim 8 has been canceled.

Claim 10 has been amended and now recites that the access servers are each independent of each operator and include means for establishing a dedicated chat channel between the first mobile communication terminal and the second mobile communication terminal. Support for these amendments is found on page 8, lines 10-17 of the Applicant's specification.

Bontempi discloses a one-to-one packet mode communication system utilizing a plurality of mobile communication terminals operating in a mobile packet switched communication network. Bontempi utilizes servers connected and controlled by the mobile packet switch communications network (see FIGs. 1 and 2 and Col 5, lines 14-44 of Bontempi).

In contrast to Bontempi, the Applicant's invention provides access servers which are independent of operators of the communications network. In addition, also unlike Bontempi, the access servers include a means for establishing a dedicated chat channel between the first mobile communication terminal and the second mobile communication terminal.

Bontempi fails to disclose that the access servers are independent of operators of the communications networks or providing a means for establishing a dedicated chat channel between the communications terminals. Thus, Bontempi does not anticipate claim 10. Therefore, the allowance of claim 10 is respectfully requested.

#### **5.) Claim Rejections – 35 U.S.C. § 103(a)**

On Page 5 of the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over Bontempi in view of Higuchi (US 7,061,903). The Applicant has amended the claims to better distinguish the claimed invention from Bontempi and Higuchi. The Examiner's consideration of the amended claims is respectfully requested.

Claim 1 has been amended and now recites that the IRMV server is independent of an operator of the mobile packet switched communication network and includes means for establishing a dedicated chat channel between a calling mobile communications terminal and a called mobile communications terminal. Support for these amendments are found on page 8, lines 10-17 of the Applicant's specification.

As discussed above, Bontempi fails to disclose that the servers are independent of operators of the communications networks or provide a means for establishing a dedicated chat channel between the communications terminals.

Higuchi discloses a SIP proxy server which provides control for connections between mobile stations. The connection control may be carried out without any dependence on a telephone company. However, the SIP proxy server is not an IRMV server which provides a dedicated chat channel between two communication terminals. The Applicant's invention utilizes cost effective IRMV servers which provide chat channels between the calling party and the called party.

Thus, the combination of Bontempi and Higuchi does not teach or suggest all the elements as recited in claim 1. Claims 2 and 3 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 1-3 is respectfully requested.

On Page 7 of the Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Bontempi in view of ITU-T H.323 (02/98). Claim 4 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. The Applicant has amended base claim 1 to better distinguish the claimed invention from Bontempi and ITU-T H.323 (02/98).

As discussed above, Bontempi does not teach or suggest all the elements as recited in claim 1. Specifically, Bontempi does not teach or suggest an IRMV server which provides a dedicated chat channel between two communication terminals. The addition of ITU-T H.323 does not make up the missing elements of base claim 1 or claim 4. Therefore, the allowance of claim 4 is respectfully requested.

On Page 8 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Bontempi in view of ITU-T H.323 (02/98), and further in view of Jiang (US 7,058,076). Claim 5 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. The Applicant has amended base claim 1 to better distinguish the claimed invention from Bontempi, ITU-T H.323 (02/98), and Jiang.

Both Bontempi and ITU-T H.323 do not teach or suggest all the elements as recited in base claim 1. Bontempi and ITU-T H.323 do not teach or suggest an IRMV

server which provides a dedicated chat channel between two communication terminals. The addition of Jiang does not make up the missing elements. Therefore, the allowance of claim 5 is respectfully requested.

On Page 8 of the Office Action, the Examiner rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Bontempi in view of ITU-T H.323 (02/98) and Jiang, and further in view of Bremer, et al. (US 6,553,002). Claims 6 and 7 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. The Applicant has amended base claim 1 to better distinguish the claimed invention from Bontempi, ITU-T H.323 (02/98), Jiang, and Bremer.

Bontempi, ITU-T H.323, and Jiang do not teach or suggest all the elements as recited in base claim 1. The cited references do not teach or suggest an IRMV server which provides a dedicated chat channel between two communication terminals. The addition of Bremer does not make up the missing elements. Therefore, the allowance of claims 6 and 7 is respectfully requested.

On Page 9 of the Office Action, the Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Bontempi in view of Umansky, et al. (US 6,868,080). Claim 12 depends from amended claim 10 and recites further limitations in combination with the novel elements of claim 10. The Applicant has amended base claim 10 to better distinguish the claimed invention from Bontempi and Umansky.

Bontempi fails to teach or suggest that the access servers are independent of operators of the communications networks or provide a means for establishing a dedicated chat channel between the communications terminals. The addition of Umansky does not make up the missing elements. Therefore, the allowance of claim 12 is respectfully requested.

On page 10 of the Office Action, the Examiner rejected claims 9, 11, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Bontempi in view of Maggenti, et al. (US 6,928,294). Claims 9 and 16 have been canceled. Claim 11 depends from amended claim 10 and recites further limitations in combination with the novel elements of claim 10. The Applicant has amended base claim 10 to better distinguish the claimed invention from Bontempi and Maggenti.

As discussed above, Bontempi does not teach or suggest that the access servers are independent of the operators of the communications networks or provide a means for establishing a dedicated chat channel between the communications terminals. The addition of Maggenti does not make up the missing elements. Therefore, the allowance of claim 11 is respectfully requested.

On Page 12 of the Office Action, the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Bontempi in view of Maggenti and further in view of Schuster et al. (US 6,577,622). Claim 13 depends from amended claim 10 and recites further limitations in combination with the novel elements of claim 10. The Applicant has amended base claim 10 to better distinguish the claimed invention from Bontempi, Maggenti and Schuster.

Bontempi and Maggenti do not teach or suggest that the access servers are independent of operators of the communications networks or provide a means for establishing a dedicated chat channel between the communications terminals. The addition of Schuster does not make up the missing elements. Therefore, the allowance of claim 13 is respectfully requested.

On Page 13 of the Office Action, the Examiner rejected claims 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Bontempi in view of Maggenti and Schuster and further in view of Viola et al. (US 2003/0058813). Claims 14 and 15 depend from amended claim 10 and recite further limitations in combination with the novel elements of claim 10. The Applicant has amended base claim 10 to better distinguish the claimed invention from Bontempi, Maggenti, Schuster, and Viola.

Bontempi, Maggenti and Schuster do not teach or suggest all the elements as recited in base claim 10. The addition of Viola does not make up the missing elements. Therefore, the allowance of claims 14 and 15 is respectfully requested.

## **6.) Prior Art Not Relied Upon**

On Page 14 of the Office Action, the Examiner stated that the prior art made of record and not relied upon (US 6,078,583) is considered pertinent to the Applicants' disclosure. However, the Applicants' reading of this reference does not reveal any teaching or suggestion of a method or arrangement having access servers that are

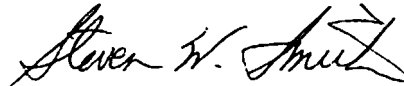
independent of operators of the communications networks or provide a means for establishing a dedicated chat channel between the communications terminals.

**7.) Conclusion**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-7 and 10-15.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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